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AUTHOR Baxi, Upendra
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ABSTRACT

The 20th century could be characterized as the "Age of Rights." Never before has there been such progress and interest in human rights standards. To ensure this progress, human rights education (HRE) needs to look at the world history of the struggles for rights and against tyranny and injustice. The notions of HRE originated in the text of the Universal Declaration of Human Rights. This paper chronicles the history and current state of human rights education. Details of human rights education in the context of the 1974 UNESCO Recommendation, the 1993 UNESCO Montreal Recommendation, the Vienna Declaration, and the Draft Plan of Action for the United Nations Decade for HRE: 1995-2005 are explored. The fundamentals of human rights education cannot be legislated in advance, but must emerge through regular and persistent review by human rights educators. The necessary critiques of human rights pronouncements and the tasks ahead in improving and spreading human rights education are investigated. (LAP)

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HUMAN RIGHTS EDUCATION: THE PROMISE OF THE THIRD MILLENNIUM?

UPENDRA BAXI

Professor of Law
Former Vice-Chancellor, University of South Gujarat (1982-1985) and University of Delhi (1990-1994)

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For further information, contact:
The Organizing Committee, People's Decade of Human Rights Education
526 West 111th Street, Suite 4E, New York, New York, 10025
Tel#: 212-749 3156 Fax#: 212-666 6325

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HUMAN RIGHTS EDUCATION:

THE PROMISE OF THE THIRD MILLENNIUM?*

UPENDRA BAXI**

A. AN AGE OF RIGHTS?

The better part of the twentieth century is characterized by a unique innovation: the proliferation of the endless normativity of human rights standards, especially in the discursive praxis of the United Nations. One may say, despite the reality of massive and monumental violations, that ours is an Age of Rights. No preceding century of human history has been privileged to witness such a range of rights-enunciations as ours. Never, too, have the languages of rights thus far replaced all other moral languages. As the United Nations Secretary General observed at the Vienna Conference on Human Rights in June 1993, human rights constitute a "common language of humanity." Further, even as the alleged end of ideology is being proclaimed worldwide, human rights sociolect (discourse) emerges as the only universal ideology-in-the-making, enabling both legitimation and delegitimation of power and critiques of anticipations of human futures.

All these critical developments have led to continuing confrontation between the emergent cultures of rights and the entrenched cultures of power. Never has this dialectic between rights and power been so vividly persistent and poignant as in the last seven formative decades of the twentieth century.

Human rights cultures, however, have long been in the making by the praxis of victims of violations, regardless of the mode of formulation of human rights standards and instruments. The single most critical source of human rights is the consciousness of peoples of the world who have waged the most persistent struggles for decolonization and self-determination, against racial discrimination, gender-based aggression and discrimination, denial of access to basic minimum needs, environmental degradation and destruction, systematic 'benign neglect' of the disarticulated, disadvantaged and dispossessed (including the indigenous peoples of the Earth).

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* A preliminary version of this paper together with a Draft People's Manifesto on Human Rights Education, was presented at the launching ceremony of the United Nations Decade on Human Rights Education (December 9, 1994).

** Former Vice-Chancellor, University of South Gujarat (1982-1985) and University of Delhi (1990-1994); Professor of Law, University of Delhi, India; currently Visiting Professor of Law, Washington College of Law, American University. I acknowledge the valuable help of Ms. Sharon Huie of the Washington College of Law in rendering several versions of this paper to a final form.

Clearly, Human Rights Education (HRE) must begin by a commissioning of a world history of people's struggles for rights and against injustice and tyranny. The emergence of more contemporary concerns with rights-enunciation cannot be understood without a history of everyday moral heroism of diverse peoples asserting the most basic of all basic rights: namely, the Right to be Human, and to remain, Human.[1]

Nor should the contemporary mode of formulation of human rights and fundamental freedoms be considered in isolation from the histories of these struggles. No doubt, the work of the United Nations in promotion and protection of human rights provides its own saga of the triumph of collective human/social imagination. But the practices of production of truths of human rights by governments, diplomats, statespersons have always been informed and formed by an ever increasing, and persistent, human striving to make state more ethical, governance more just, and power more accountable.

In narrating histories of the Age of Rights we have two vantage points of choice. First, we may narrate the histories of human rights movements from the perspective of myriad peoples' struggles, attending closely to a large number of narrative voices and to micropolitics ultimately shaping the larger stories of politics of rights and liberation. The other vantage point is the one which allows appropriation of narrative voice to national actors (parties, leaders, constitution-makers, judicial actors) and the semi-autonomous fields of rights-enunciation within the United Nations system and culture where enunciatory practices forever combine and recombine national interest with global considerations.

Though not mutually exclusive, the choice of narrative paths would offer very distinctive starting points for, and future impacts of, historiographies of human rights movements. More important, the choice of narrative paths may have an enduring influence on the movement for Human Rights Education in terms of scope, objectives, principles, missions, pedagogies (styles of learning together), constitutional and 'management' strategies. With the launching of the U.N. Human Rights Education Decade, serious engagement with historiographies of human rights movements may be deferred only at the cost of our common future.

We must also notice, in this perspective, that the received wisdom on human rights promotion and protection has been under the signature of crises for a considerable period, and at least for the last two decades, from both the standpoints. Human rights discourse still remains legible as a site of ever-potent regime of corpus of restraints on the power of the postmodern Leviathan State. At the same time, increasingly, a great discovery of the Age of Rights is that the civil society, the ensemble of relatively state-free spaces (actors, agencies and institutions), provides equally, and often enough, more pervasively fertile sites of human rights violations. Thus, a common realization is dawning in human rights movements. On

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[1] For an elaboration of this notion, see U. Baxi, "From Human Rights to the Right to be Human ..." 13 India International Quarterly (1986); for a revised version, see U. Baxi, Inhuman Wrongs and Human Rights: Unconventional Essays 1-17 (1994: Delhi, Har Anand Publications).

the one hand, the task of limiting the overweening power of state agents and hegemonies remains imperative. On the other hand, state action and intervention seems to offer the reassuring promise of providing chemotherapy to the cancerous growth of culturally rooted, and economically 'derivable,' forms of violation of human rights and fundamental freedoms. Thus arises the great dilemma of the Age of Human Rights the rights discourse must both, and in a just and effective measure, simultaneously *disempower* as well as *empower* the state. An overwhelming liberalist focus on minimal state is unlikely to foster the potential, in the short run, of human beings and groups to fight rights-violation embedded in civil society formations: for example, gender based aggression and inequalities, ethnic discrimination and prejudice, economic exploitation (including the new forms of neo-slavery) and violation of the vulnerables, especially children.

This new dialectic of simultaneous disempowerment and re-empowerment of the state (with post-modernist identity and even destiny) must be addressed, seriously, in fashioning programmes and strategies for HRE.

Not to be ignored, even momentarily, are the aspects of technopolitics: the processes of production of politics by technologies of the present and future, based on an intertwining of cybernetic and biotechnology revolutions. Technopolitics breeds techno-narcissism[2]: both these tend to deconstruct and reconstruct human and cultural identities, primarily by breeding common cultures of desires which only serve the market and economy, power and profit.[3] Technopolitics also has the power of shaping images of human emancipation. For example, in a world where genetically mutated new forms of life are open to patenting (private corporate appropriation), or where species-patenting is on the threshold of recognition as a private (corporate) right in a post-Dunkel world, notions of the autonomy, privacy, uniqueness of individual selfhood, and group (collective) rights live (to invoke Soren Kierkegaard) in "fear and trembling." Similar crises are posed by mass media, through satellite communication and cable diffusion, to rights and freedoms of plurality and diversity. A new "libidinal economy" (to borrow the title of a book by the postmodernist Jean-Francois Lyotard) is in the process of making in these halcyon days of "globalization" of the world. New "fundamentalisms"[4] emerge in this zodiac as last-ditch battles, as it were, against the homogenization of human futures; neither, clearly, augers well for human rights and fundamental freedoms.

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[2] See Chapter Two ("Politics of Memory in an Era of Technonarcissism") in U. Baxi Inhuman Wrongs and Human Rights, op. cit 18-27.

[3] Mary Daly insightfully defines "consumer society" as Patriarchy, the "state of Annihilation, the State of Reversal" in which the consumed are misnamed as the "consumers" and the true consumers are honored as prolific producers/creators. See Mary Daly (with Jane Caputi) Websters' First New Intergalactic Wickedary of the English Language 192 (1985, 1987: Boston, Beacon Press)

[4] See for a most recent survey, Mark Jurgensmeyer, The New Cold War?: Religious Nationalism Confronts the Secular State (1993; Berkeley, University of California Press).

The irony, in this contemporary world-formation, of HRE endeavors is ineluctable. *Globalization, which periclitates human rights and fundamental freedoms, is the crossroad on which HRE is to have its birth and being.* The HRE, in this conjuncture, has the mission of redemption of humane, self-forming (both individual and collective) praxis in a world which is supposed, and even required, to celebrate, with Francis Fukuyama, the "end of history" and the advent of the "Last Man."[5]

I revisit these themes towards conclusion, after a rapid tour de horizon of the United Nations biography of HRE.

B. THE UNIVERSAL DECLARATION AND HRE

The origins of notions of HRE, even as itself constituting a human right, can be traced to the text of the germinal Universal Declaration of Human Rights. The Preamble to the Declaration stresses the central importance of a "common understanding" of human rights and fundamental freedoms to the achievement of "freedom, justice and peace in the world." It, in the operative part, proclaims that a "common standard of achievement" of these values, nationally and globally, requires, inter alia,

> that every individual and organ
> of society, keeping this Declaration
> constantly in mind, shall try by
> teaching and education to promote
> respect for these rights and freedoms ...

"Education" in human rights is thus the individual and collective duty of all, nationally, regionally and globally.

Read in the context of the Preamble, Article 26 of the Declaration affirming everyone's right to education must, of course, include HRE as a human right in itself. Article 26 postulates the following ends of education: education "shall be directed to"

- the "full development of the human personality"
- the strengthening of "respect for human rights and fundamental freedoms"
- the promotion of "understanding, tolerance and friendship among all nations, racial or religious groups"
- the furtherance of "the activities of the United Nations for the maintenance of peace."

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[5] F. Fukuyama, The End of History and the Last Man (1992: New York, Free Press).

'Education' here stands conceptualized not merely in terms of development of individual personality or even in terms of good citizenship of a nation-state. Education has a global orientation of producing true citizens of the world, imbued with civic virtues of respect for pluralism, peace, dignity and rights. Nor is education, necessarily, all about *rights*. Article 29 of the Declaration categorically declares that "free and full development" of human personality also entails fulfillment of *duties* to the community. Education, including HRE, is a right indeed; but that right is not an end in itself. It is a means to other ends, enumerated above, whose pursuit in totality would contribute to the attainment of "freedom, justice and peace in the world."

In any progress towards HRE, the Universal Declaration's understanding of purposes of HRE should, I believe, continue to guide us, even and perhaps more so, on the eve of the third millennium.

This conclusion stands reinforced by the Preamble to the Declaration. The Preamble gives a conscientious raison d être for HRE as well as a pragmatic justification. The former asserts that:

> disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want which has been proclaimed as the highest aspiration of the common people.

The pragmatic justification for HRE is that it is

> essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

The reference to the "highest aspiration of common people" and outraging of the "conscience of the mankind" indicates that human rights and fundamental freedoms are common properties of human conscience and common moral sentiment. Barbarous practices of power are recognizable and recognized, regardless of *whether* and *how* politicians, statespersons, and jurists and international organizations have produced human rights enunciations commensurate with the power of politics to produce a series of contingent, but monumental, evils. The experience of outrage, and judgement on, flagrant and massive violations of human rights *antedates* rights-enunciations, and survives their well-manicured formulations. The Declaration conceives thus human rights and fundamental freedoms as a domain of conscience collective (almost in the sense in which Emile Durkheim so imaginatively sculpted that notion to understand and analyze social solidarities). HRE strategies have to acknowledge, and build upon, this common human solidarity.

The pragmatic justification of the Declaration is no less striking. Tyranny is defined as an absence of human rights protection by the rule of law institutions and structures or in other words, *absence or annihilation of human rights cultures, both in civil society and the State*. Such a situation leads to 'rebellion,' breakdown of social order, civil strife and repression, disrupting just peace not at a national level but also regionally or globally. HRE as a strategic instrumentality for protection of peace, in all dimensions and levels was presciently recognized by the authors of the Universal Declaration.

As we move ahead in the imaginative reconstruction of HRE, our effort will be enriched by recourse to this foundational enunciation in the Declaration. Any genesis amnesia on this score will, I believe, impoverish our enterprise.

C. THE 1974 UNESCO RECOMMENDATION CONCERNING HRE

The period since the Universal Declaration and the 1974 UNESCO Recommendation was marked by an endless proliferation of human rights enunciations. This tendency continues well into the 1993 Vienna Declaration; and expected the happening of even more profound discursive articulation of human rights and fundamental freedoms at the Copenhagen World Summit on Social Development. The Fourth World Conference on Women at Beijing seems located on the same fault-line.

The 1974 Recommendation both enlarges and limits notions of HRE.[6] It enlarges the notion of 'education' as implying

> the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge. This process is not limited to any specific activities. [Article 1(a)]

And the aims of HRE are to promote "international understanding," "cooperation" and "peace" considered as "an indivisible whole" uniting concerns of "friendly relations between peoples and states having different social and political systems" and of "respect for human rights and fundamental freedoms." This unity configurates in the Recommendation as "international education."

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[6] As regards social summit at Copenhagen, this expectation is fully borne out! On one reading of the text of its Declaration, all that the summit achieves is an articulation of what I have called "trade-related human rights." See U. Baxi "'Summit of Hope' In the Depths of Despair?: Social Development as Realization of Human Rights" (March, 1995; mimeo).

This welcome expansion of "education" is, however, marked by contraction of HRE itself! Human Rights and Fundamental Freedoms are only those defined in the United Nations Charter, the Universal Declaration and the two International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights. Clearly, this limits the range of human rights normativity to the foundational texts; but human rights discursivity in the United Nations tradition extends much further.[7] And this contraction of the conception of HRE sits strangely with the scope of HRE as envisaged in Article 4 of the Recommendation. Of necessity, the present efforts at developing HRE must include a larger number of related enunciations and instruments.

The aims or ends of HRE in the Recommendation are multiple as well as diverse. HRE, or "international education," should

(1) promote both "intellectual and emotional development;" the former developing 'critical understanding' of national and international problems and the latter fostering "a sense of responsibility and of solidarity with less privileged groups" such that results in "observance of principles of equality in everyday conduct" [Article 5]

(2) promote a culture of "inadmissibility of recourse to war for purpose of expansion, aggression and domination or the use of force and violence for the purposes of repression" and understanding of responsibility to strengthen world peace [Article 6]

(3) emphasize "the true interests of people and their incompatibility with interest of monopolistic groups holding economic and political power, which practice exploitation and ferment wars" [Article 15]

(4) promote "inter-cultural understanding" [Article 17]

(5) provide meaningful opportunities for "active civic training" enabling learning of cooperative endeavor through "the work of public institutions" and thereby imparting competence to political participation [Article 13]

(6) create capabilities to eradicate "conditions which perpetuate major problems affecting human survival and well-being" and which enhance "international cooperation" to this end [Article 18]

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[7] As is now self-evident from the two volumes of United Nations bluebooks Human Rights: A Compilation of International Instruments (1996: Sales No E. 94, XIV.1).

In may respects, the Recommendation charts out the itinerary of HRE well beyond (excepting commonality of the second objective) the Universal Declaration. The differences may be highlighted as follows:

- whereas the Declaration addressed education, including HRE, as an aspect of "intellectual development," the Recommendation also addresses "appropriate ... emotional development"

- the Recommendation pursues militant egalitarianism unlike the Declaration (see points (1) and (6) above)

- whereas the Declaration speaks of "tolerance," the Recommendation invokes the discourse of "inter-cultural understanding"

- the Recommendation perceives education as a series of endowments of competence civic, political, international in contrast to the Declaration which presumably subsumes all this under the rubric "intellectual development."

These emphases, if not shifts, in the directions of HRE, are of considerable pertinence to our re-imagining HRE two decades later. The specificity of clusters of concern and capabilities, purposes and promises, symbolized by the Recommendation stress on "appropriate ... emotional development" (without which solidarities remain incoherently emergent), "inter-cultural understanding" (without which rights enunciations can be, and have been, unfairly castigated as Eurocentric in their origins and functions) and radical quest for egalitarianism in everyday life, both nationally and globally, ought not (in my belief) be overlooked in the future revitalization of notions of HRE.

Indeed, these motifs of HRE assume an even greater relevance in a post-cold war era, where (as noted earlier) the ideologies of human rights and fundamental freedoms seems to emerge as the only authoritative ideology for the world development.

D. THE 1993 UNESCO MONTREAL DECLARATION ON HRE

Building upon the 1974 Recommendation (and a subsequent set of associated enunciations since 1974[8]) the UNESCO World Plan of Action on Education for Human Rights and Democracy adopted by the International Congress (Montreal, Canada: March 8-11, 1993) unfolds, on the eve of Vienna Conference on Human Rights, many an inaugural

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[8] In particular, the Recommendations of the UNESCO International Congress on the Teaching of Human Rights (Vienna, 1978), the UNESCO International Congress on Human Rights Teaching, Information and Documentation (Malta, 1987) and the International Forum on Education for Democracy (Tunis, 1992).

theme. Before commenting on the 'daring' of the Montreal Declaration (which the Vienna Declaration explicitly invokes) some of its inaugural propositions may well be noted.

First, the Montreal Plan explicitly addresses HRE to the victims of human rights violations, as well as the defenders of 'democracy.'

Second, while reiterating the notion of education as a lifelong process of learning, the Montreal Plan inaugurates the notion of HRE "in difficult situations." Obviously, state failures (an amalgam always of national and global forces) present, increasingly, a testing time for the run-of-the-mill notions of HRE.

Third, the Montreal Plan anchors HRE in the harbor of liberal democracy. It declares that all education, especially HRE, should

> aim to nurture democratic values, sustain impulses for democratization and promote societal transformation based upon human rights and democracy.

Fourth, HRE should itself be "participatory and operational, creative, innovative and empowering at all levels of civil society."

Fifth, HRE has prophylactic role and function; HRE must evolve

> special and anticipatory strategies aimed at preventing the outbreak of violent conflicts and related human rights violations

Sixth, the "key challenge of the future" confronting HRE is how to

> enhance the universality of human rights by rooting these rights in different cultural traditions.

Seventh, this endeavor of cultural rooting (implantation) must recognize that

> effective exercise of human rights is also contingent upon the responsibility by individuals towards the community.

Eighth, (without being exhaustive) the Montreal Plan offers at least three criteria by which 'success' of any HRE mission may be evaluated. A HRE mission is successful when it

- changes "conduct leading to a denial of rights"
- creates a climate of "respect" for "all rights"
- transforms the civil society in "a peaceful manner and participatory model"

The Montreal Plan, is of course, justified in linking strongly human rights and democracy. But without an acknowledgement of history, which has profound consequences for the future of human rights in the world as well of HRE, this aggressive linkage may, in the short run, appear to the leaders, if not the peoples, of the South as aggressively Eurocentric.

The Montreal Plan text needs to be supplemented by notions of 'historic' time. The actually existing liberal democracies in the North emerged out of at least centuries of histories of people's struggles with the state and within civil societies. To imagine that HRE strategies in themselves will *somehow* accelerate historic time for the rest of the world is to arrest meaningful global movement towards the goals of the HRE.

It needs to be at least acknowledged that the erstwhile colonial powers aborted conditions of political development and maturation in most parts of the world. It also needs to be acknowledged further that practices of power during the long dark night of the 'cold war' did not enable the former colonial powers and their allies, to contribute to the decolonized nations' capabilities to "nurture democratic values, sustain impulses for democratization" or to promote "peaceful" democratization of whole civil societies. Nor is the quest to locate, in the post-cold war era, the Other (the Enemy) of a solitary superpower necessarily conducive to the rapid evolution of human rights cultures across the world.

Democracies are *processes*, never fully formed historic *products*. Or to put it in a language, with which at least professional philosophers will feel at home, democracy is a process of Becoming, not of Being. And from this standpoint, the dilemmas of *sustainable* democracy, while more acute in the South, are awesomely present in the North as well. Read thus, the Montreal Plan addresses HRE, both in guiding principles and in strategies of action, to the critical tasks of democratizing and re-democratizing civil society and state formation, <u>everywhere</u> in the world.

By the same token, the Montreal Plan in conceptualizing HRE strategies towards implantation (giving roots in "different cultural traditions") needlessly provoke suspicions of Eurocentrism (regardless of diplomatic bow to the gallery of South, in its reference to responsibilities of individuals - see the seventh proposition above.) Verily, concern for basic human rights is not unique to the cultures of the North; what is distinctive to these is a historic headstart, which entailed extraordinary denials of human rights to vast humanity. Once again, the Montreal formulations have to be considered as indicative of the need to make contemporary human rights enunciations, in their endless proliferation, a part of all the different culture traditions, whether of the North or of the South.

The Montreal Plan, however, moves close to heart of contemporary darkness when it refocuses HRE to its inaugural task of transforming civil society. This task is urgent, and compelling, both for the South as well as North, especially in the North where civil societies while developing and nurturing impassioned cultures of human rights at home are indifferent to how their elected representatives may often play God abroad, especially in the South.

On this reading of it, one of the most precious objectives of the Montreal Plan is the articulation of the *non-negotiable need* for HRE to address civil society in the North, in ways that it is enabled to create a community of concern, an overarching unity, between and among human rights cultures at home and abroad. It is only when HRE missions succeed on this count that the prophylactic role of HRE (and its mission "in difficult situations") stands more historically addressed.

The Montreal Plan's reference to "enhancing the universality" of human rights has a note of refreshing candor about it since it recognizes that while all human rights are potentially universal, not all are actually so. But this acknowledgement may have an unintended side-effect of nourishing the tendency to interrogate the "universality" (and 'indivisibility') of all human rights, which the Vienna Declaration so emphatically now proclaims. Even those who would resist or critique "universality" of human rights will on deeper thought (and on reading the people's histories of struggle for rights) concede that some, if not most, human rights which now stand internationally enunciated are, indeed, *non-derogable*.

Finally, the Montreal Plan's teleology of HRE raises an important question concerning HRE. HRE is a means to an end (the end in the Plan being "democracy"). The ends to which HRE might be a means could also be designated as 'peace,' 'justice,' 'development,' 'dignity.' The question is: should HRE be regarded as an end in itself or a means to some designated end? The question (not so unimportant as pragmatists might think it is) needs careful contemplation for on possible answers to it will depend the future of HRE's legitimation, organization, accountability, autonomy, pedagogies, performance, and implementation.

The choice is between saying that we ought to pursue HRE in itself as human right to better achieve all other human rights and fundamental freedoms or that we ought to promote HRE for ends like "good governance," "sustainable development," "economic progress," "democracy" and "transformation of civil societies." And the choice is critical, in the sense of the nature of national structurings of HRE, including the very dispensability or expendability of HRE. If we were to regard HRE as a means for "economic" development in societies exposed to structural adjustment programs, for example, only market-friendly rights will be germane to HRE endeavor; similarly, cultures which regard patriarchy as 'divinely' ordained may not consider a regendering of human rights cultures as critical to many of the 'ends' described above.

The choice has to be clearly made. I believe HRE is important because it is an end in itself. It is conceivable and a matter of not just ethical but also political judgment that as and when HRE mission succeeds it may ill-serve other postulated goals and ends. This is so because, as Roberto M. Unger has reminded us, rights typically have in history a destabilizing function, a "context smashing" tendency.[9] Neither of these features necessarily

[9] Roberto M. Unger "The Critical Legal Studies Movement," 96 HARV. L. REV. 561 (1983).

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goes so far as to question the integrity or rationale of the nation-state itself but both acutely interrogate all the processes of power and authority within the state and civil society. HRE as an end itself seeks to reinforce the processes of empowerment of every human being in everyday life to experience freedom and solidarity, not fractured by grids of power and domination the civil society and state. The ability to perceive such freedom as not threatening all that is good, true and beautiful in human achievement is to my mind the summum bonum that HRE promises us. Mohandas Gandhi used to say that swaraj (independence, that is just self-rule) brings exercise of freedom in non-threatening ways to the Other. That, I think, is the spirit of human rights cultures, too. Emmanuel Levians, in a different idiom, conveyed the same message to us when he evolved the notion of "difficult freedoms;" HRE, in these terms, is a movement to achieve the most difficult of these "difficult freedoms."

E. HRE IN THE VIENNA DECLARATION

Celebrating both, in its germinal preambulatory formulation, "the spirit of the age" and "the realities of our time," the Vienna Declaration on Human Rights marks yet another milestone in human rights lexicon, theory and activism.[10] Section D, Part II of the Declaration, and Paragraphs 33, 36 Part I, focus on HRE. The Vienna Declaration, in brief,

- reiterates the expanded notion of 'education' first articulated in the 1974 UNESCO Recommendation

- extends that Recommendation, making education, and HRE, to go beyond select bodies of human rights discourse to inclusion of "peace, democracy, development and social justice"

- innovates HRE as a gender specific mission, stressing the "human rights needs of women"

- reconstructs the enterprise of HRE to make it inclusively communitarian; in other words, development of human rights cultures is an ongoing participatory endeavor of individuals, groups, associations, institutions in civil society and of state actors and agencies, in a co-equal manner

- focuses HRE programs and strategies on special state agencies and agents "such as military forces, law enforcement personnel, police and health professionals"

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[10] See U. Baxi, Mambrino's Helmet?: Human Rights for a Changing World 1-17 (1994: Delhi, Har Anand Publications).

The Vienna goals and strategies mark a culmination of thought and praxis on HRE within the family of the United Nations. The most excitingly innovative dimension is, of course, the reference to "human rights needs of women." Inaugurally, this formulation invites suspension of the dichotomy between 'needs' and 'rights' (with the associated perplexities of distinguishing between, in a hierarchy of needs, 'material' and 'non-material' needs).

The conception of 'human rights needs' enwombed within the motto "Womens' Rights are Human Rights," indicates the ongoing process, in contemporary rights discourse, transmuting needs into rights. But equally importantly, for HRE pedagogies and strategies, identification of human rights needs must, minimally, include: access to information, access to opportunities for the exercise of rights, access to modalities and instrumentalities in the identification of violations of human rights and the needs to access to public discourse which may contest state/society assertions that either no human right exists or if it does no violation can be said to have occurred.

This listing of human rights *needs* can, and must, be expanded with care, the implication being that HRE can never be a static body of given knowledges of rights-enunciations but must forever remain a dynamic engagement with these knowledges. In this sense, HRE will be future-oriented as well. Marshalling the tragic accumulation of experiences of victimage (rights-violation), HRE will provide a repertoire of resources for ongoing struggles to promote and protect human rights and fundamental freedoms. In this sense, the focus on HRE will inhibit it from becoming an alienating/alienated tradition of knowledges. Perhaps, the significance of the Vienna Declaration lies in inviting attention to HRE entrepreneurs to (what Paulo Friere so memorably called) "the pedagogy of the oppressed."

Like the 1974 UNESCO Recommendation, even the expanded range of HRE in Vienna Declaration is conspicuous by its lack of reference to some critical rights-enunciations.[11] This lack is certainly remediable, if we bear in mind the vision of HRE animating the Vienna Declaration which, in and through its own enunciations, does not merely consolidate existing human rights juridical regime (lex lata) but is also commingled with the human rights in the making (de lege ferenda).

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[11] For example, Section 3, Part II of the Vienna Declaration on Equal Status of Human Rights of Women avoid reference to the important 1962 Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages and to the 1976 Declaration on Protecting of Women and Children in Emergency and Armed Conflicts.

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F. THE DRAFT PLAN OF ACTION FOR THE UNITED NATIONS DECADE FOR HRE: 1995-2005

The Draft Plan of Action (hereafter referred to as the "Draft"), naturally, builds upon the lineage of HRE thus far canvassed. But it also marks advances, the most critical being the notion that HRE is a unique strategy for the "building of a universal culture of human rights" through the "imparting of knowledges, skills and molding of attitudes." And the comprehensiveness of the conception of HRE is welcome as it goes beyond the 1974 Recommendation to include, besides the foundational texts, almost all major human rights enunciations.[12] The five normative bases of HRE[13] continue to reflect the emergent consensus about its goals.

The notion of 'culture,' in the draft, however seems to focus HRE on intellectual development of knowledge (the absence of pluralization of knowledge is also discomforting[14]), skills and attitudes. "Cultures" include these but of course encompass much more. "Values" constitute a salient part of cultures. But equally important are sensibilities which make cultures possible and enduring. By 'sensibilities' I signify what

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[12] The Decade shall be, as per Article 1 of the Draft, based upon "the provisions of human rights instruments, with particular reference to those provisions addressing human rights education."

[13] The normative bases, according to Article 2 of the Draft, are:

"(a) the strengthening of respect for human rights and fundamental freedoms;

(b) the full development of the human personality and the sense of its dignity;

(c) the formation of understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, racial ethnic, religious and linguistic groups;

(d) the enabling of all persons to participate effectively in a free society;

(e) the furtherance of the activities of the United Nations for the maintenance of peace."

[14] Pluralization of knowledge must be an important aspect of HRE culture and pedagogy. The important distinction between "organic" and "erudite" knowledges (initiated by Arotonio Gramsci and enriched by Michel Foucault) suggests that HRE should be so designed as to allow experiential knowledges of peoples about rights and violation to emerge; from the cumulation of such organic knowledges it should also become clear (than is the case today) that most of contemporary human rights enunciations are refined articulations or echoes, of authentic human experiences.

If we conceive knowledge in the singular (as does the Draft) HRE will only privilege the erudite knowledge about human rights standards which is to be transmitted. And the emphasis on "participatory" pedagogy would be confined to rituals of confirmation about acts of reception of information.

HRE, in the present opinion, has to entail interaction of both forms of knowledges (organic as well erudite) in order to be empowering.

lamented Raymond Williams called 'structure of feeling' and what, in a different context, the 1974 Recommendation named "appropriate ... emotional development." An overly rationalistic approach to HRE may defeat, in the short and long run, the very objectives enshrined in the Draft Plan.

The General Guiding Principles of the Draft (Part Two) are, indeed, noteworthy. First, HRE should create "broadest possible awareness and understanding of all the norms, concepts and values" of the foundational texts as well as all other relevant international human rights instruments. Put another way, HRE is not directed merely to literacy concerning human rights texts; their *intertextuality* also has to be learned and imparted (that is, their cross-connections, reciprocal supplementation - their hermeneutical totality). The ideology-in-the-making of human rights ("all the norms, concepts and values") becomes in the Draft the repertoire of HRE. This is further reinforced by the reference to "universality" and "interdependence of all rights."

Second, HRE has to move from the "universal" to the particular, from abstract to the concrete, from the global to the local. Effective HRE for the Decade

> shall be shaped in such a way as to be relevant to the daily lives of the learners, and shall seek to engage learners in a dialogue about the ways and means of transforming human rights from the expression of abstract norms to the reality of their social, economic, cultural and political conditions. [Paragraph 4]

This is a critical formulation. It summons HRE praxis to tasks of everyday relevance, in the micropolitcal, microsocial contexts. It formulates the imagination of HRE as dialogical. *Dialogue, by definition, can occur only under conditions of discursive dignity and equality.* And dialogical HRE strategies conflate, creatively, the distinction between the 'learner' and the 'learned.' Humility is, of course, the hallmark of learning. And dialogical HRE interaction is, obviously, a confrontation between the 'pre-given' ("social, economic, cultural and political conditions") and the future histories-in-the-making.

Third, the guiding Principles envisage participatory HRE praxis entailing

> equal participation of women and men of all age groups and all sectors of society both in formal learning ... and non-formal learning through institutions of civil society, the family and the mass media [Paragraph 3]

HRE, in this conception, aims to cut across hierarchies of formal/informal education systems, gender, age and addresses itself, of necessity, to realms other than state power.

Third, the Draft marks a community of concern between "democracy, development and human rights" (their "mutually reinforcing nature"). Accordingly, it reiterates a prime function of HRE which shall

> seek to further effective democratic participation in the political, economic, social and cultural spheres and shall be utilized as a means of promoting economic and social progress and people-centered sustainable development.

This remarkably imaginative formulation offers to HRE missionaries an embarrassment de riches. HRE strategies have to foster that order of participation which promotes both 'economic and social progress' and 'people-centered development.' In a sense, this formulation leads us back to an equally remarkable enunciation in Article 18 of the 1974 UNESCO Recommendation which, rightly insists that all education, including HRE, should address the major problems of mankind:

> Education should be directed both towards the eradication of conditions which perpetuate and aggravate major problems attacking human survival and well-being - inequality, injustice, international relations based on the use of force - and towards measures of international cooperation likely to help solve them.

HRE, like all education, must ineluctably be "multi-disciplinary." It should also be global, regional, national and local all at the same time. And at all levels of learning.

G. CRITIQUES OF HUMAN RIGHTS AS SITES OF RESISTANCE TO HRE

Recognition of critiques of human rights enunciations is essential to the mission of developing a "universal culture of human rights," especially through HRE. There exists in the North a rights-weariness and in the South a rights-wariness. Neither can be wished away; each has to be grasped in its historicity and mutual lessons learnt through dialogical encounters. Knight-errantary of human rights and HRE strategies can only lead to a Quixotic enchantment, leaving the world untransformed at its core.

The rights-weariness is a kind of response to the explosion, in the recent decades, of human rights enunciations. Ethical theorists question the emergent hegemonies of rights languages, displacing all other moral languages (of virtue, of duty, of responsibility, and of communitarianism). Pragmatists scoff at the Quixotic character of many a human rights formulation, which seem to represent to them not a Utopia but a dystopia. Rights-weariness is an ethical stance which doubts whether the liberal traditions of individual rights can be the privileged bearers of human transformation, especially when the ideality of rights stands

squandered by an excess of rights-talk.[15] Not only does rights-weariness produce such doubts and caveats: occasionally it goes so far as to recall Bentham's dustbining of all natural rights talk as "nonsense on stilts."[16]

Rights-wariness provides a different genre of human rights critique. Critics in this genre do in fact regard it a duty to raise uncharitable questions concerning the career and future of human rights promotion and protection in the present mold. They perceive an immense duality, and even duplicity, in the endless propagation of human rights languages, even to the point of giving utterance to a phenomenon names as "human rights colonialism."[17] Wariness about rights may best be captured by the following (perhaps too simplistic - oft - repeated, and even well worn) formulations:

(a) The discourse of human rights ought to be pluralistic according equal dignity to all traditions of the world; by contrast, it is hegemonically 'Western'

(b) The classical liberal tradition of rights and justice carries the legacy of the original sin: these traditions are at their best and brightest in justifying/recycling colonialism/imperialism, both in 'classical' and contemporary incarnations

(c) The human rights agenda offer pathways, in different radical idioms, of the White Man's Burden; in other words, it masks the ends of power and domination (political and economic) by the North

(d) The North is unable, despite its proud boast, to make the world 'safe' for democracy and human rights and unwilling to create conditions within its own jurisdiction to eliminate practices and circumstances which encourage massive and flagrant violation of human rights

(e) This stands demonstrated (even outside the arena of foreign policy and the making of wars) in the North's pronounced inability and unwillingness to subject its own economic agents to a common human

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[15] E.g. Maurice Cranston says "once a right is conceived as an ideal, you acknowledge its impracticality; it becomes easier to dismiss it as a right." See his "Are There Any Human Rights?" 112 Daedalus 1-17 (Fall 1983); the writings of political philosopher Allan Buchanan consistently interrogate the claims of human rights languages to any unique or distinctive status. He, invoking the notion of Age of Rights, puts it to severe and sustained interrogation, but only at the level of the jurisprudence of national legal orders. See his Marx and Justice (1992: Totowa, N.J.; Rowman and Littlefield).

[16] See also note infra note 8 and the text accompanying it.

[17] See, for example, Issa G. Shivji, The Concept of Human Rights in Africa, esp. at pp. 42-68 (1989: London, CODESRIA Book Series).

standard of regulation of risk and liability for injury (whether it is signified by Bhopal, or dumping of toxic wastes, or dumping of injurious drugs in overseas markets proscribed at home, or gender-aggressive contraceptive devices. Implicit in policies of export of hazardous processes and products is a double standard concerning the value of human life violating the Racial Discrimination Convention

(f) The North has betrayed commitments, contained in salient United Nations Declarations, which provided for an authentic global structural adjustment program for promotion and protection of human rights, especially for the South. Some of these Declarations contained as well duties of *reparation* for massive and sustained violations of rights of colonized peoples and nations. One may refer, inter alia, to the following Declarations on -

- Social Progress and Development (1969) pledging 1% of GNP of North for aid to South and just, non-discriminatory patterns of trade, commerce and intercourse between the North and the South

- Eradication of Hunger and Malnutrition (1974)

- Use of Scientific and Technological Progress in the Interest of Peace and Mankind (1975)

- the Right to Development (1986)

(g) Human rights diplomacy of the North has been complicit, during and even after the 'Cold War' with the worst violations of human rights in the nation-states of the South

(h) The classical model of human rights spread an ideology of possessive market individualism where human beings are homo economicus or homo consumeris with rights devoid of any communitarian responsibilities and fidelity to age-old spiritual heritage, transcending both the market and the state

(i) The cosmologies of human rights discourse are based on variants of civic religion and secular nationalism, not cognizant at all of potential of divergent religious, cultural, and inter-faith traditions for promotion of fraternity, solidarity, dignity, justice and rights.

In all these genres of critiques lies an impulse for rethinking human rights. They acknowledge, indeed that some human rights and fundamental freedoms are universal and indivisible but interrogate, for example, preferred hierarchies of rights, extolling civil and political rights and economic, social and cultural rights.

Clearly, no amount of incantation of the mantras of 'human rights culture' is going to succeed in the face of these diverse critiques of human rights discourse. Nor would it do, even as a gesture, to deny elements of domination or hegemony or to gainsay the ascendancy of one variant of liberal human rights paradigm in most of the contemporary human rights formulations. It would also constitute a serious misrecognition of these genres of critiques to say that all these, put together, constitute merely self-serving resistance to human rights cultures.

H. THE TASKS AHEAD

Human rights education begins to gather a global momentum precisely at a historical conjuncture when fantastically new forces of production (especially digitalization and biotechnology) have begun fostering new international division of labor through the rolled-up processes of globalization. If the ideological superstructures are varieties of postmodernist ethics (including rights-weariness), the realpolitik of the emergent world is increasingly rights-wary. For once, the discourse is explicit: human rights are instrumentalities of social development, which could best take place through "free trade" whose logic, in turn, is at odds with so many proclamations of human rights! The discursive twist explicitly since the United Nations summit on social development is clearly in the direction of a market-friendly (or specifically trade-related) human rights paradigm.[18]

To be sure, amidst all these transformations, the core objectives of HRE remain, more or less, constant in the sense that

- human rights education is, all said and done, education
- as with other 'forms' of 'education' HRE ought to contribute to the "full development of human personality"
- HRE contributes to this objective especially, by strengthening respect for human rights and fundamental freedoms
- as 'education' HRE must contextualize all learning by its focus on world peace, security and development in ways which nurture human rights cultures everywhere

[18] See supra note 6.

These objectives have to be attained in a world dizzy with acceleration of history. The difficulties of HRE are well worth pondering in this context, as a prelude to the identification of the tasks ahead.

No matter how 'education' is conceived (formal/informal/adult, continuing, extension education) human rights education has necessarily to relate to and deal with educational formations already in place everywhere: it has to engage itself with

- education systems as articulations of state policies and national objectives
- educational systems as hierarchic grids of power within society
- patterns of distribution of access to literacy, and to elementary, primary, secondary, tertiary education
- patterns of relationships between educational apparatuses and the economy, national and global
- ideologies, philosophies, epistemologies, technologies and pedagogies internal to the domain of education, and cultivated by its practioners
- histories of education, and of entrepreneurship
- traditions of academic freedom (as freedom to teach and as freedom to learn)

HRE conceived as 'education' needs to find an exponential entry point at each one of these, and related, levels. State constitutional policies, as in the Philippines for example, can do a great deal to facilitate privileged space for human rights education.[19] But when these are unavailable, as is mostly the case (and poignantly in the much-developed world, though clearly not only there), HRE initiatives will have to emerge at the 'world-system' level. At this level, the required range of inter-agency collaboration within the United Nations system is simply incredible. Clearly, the Human Rights Commissioner and the Centre for Human Rights will need to interact in a sustained manner, for example, with the ILO, UNESCO, ICJ (the World Court whose jurisprudence is relevant to HRE), UNEF, IAEC, UNFP, UNICEF,

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[19] See Richard Pierre Claude, Human Rights Education in the Philippines (Manila, Kalikasan Press, 1991) for a lucid overview of the evolution of HRE as state policy and the activist response. Memorandum Order No. 20 (HRE for arresting and investigating officers), Executive Order No. 27 (government departmental responsibilities for HRE) and Executive Order No 163 (mandating HRE as an aspect of Human Rights Commission) are important devices of state policy emergent during Corazon Aquino's regime. The Interim Constitution of South Africa also under Article 116 contains an incipient HRE mandate for the Human Rights Commission.

various treaty bodies (but especially CEDAW), the Committee on Crime Prevention and Treatment of Offenders, the Commission on Sustainable Development, the World Intellectual Property Organization. With the best of political will, such inter-agency collaboration is hard to initiate or sustain. It is difficult to imagine that the Human Rights Commissioner or the Centre will engage in such an enterprise, without the constant push and prod by HRE NGOs and movements. In turn the HRE groups will themselves need to activate and network educational NGOs. The tasks overall, are indeed of a forbidding magnitude.[20] And if the history of HRE initiatives in the U.N. system is any guide, it would be surprising if anyone attempted such a task.

Leaving the United Nations system in its own orbit to perform its wonders may be a comforting thought to many a HRE activist, despite the fact that much social and human rights activism is being heavily coopted for weal or woe by that very system. Activists thus inclined, for example, did not wait for the Jomytien Declaration and Program of Action on Education for All or the Covenant on the Rights of the Child[21] to embark on a whole range of literacy programs; nor do they await significant state action to pursue their difficult tasks. Indeed, some activists go so far as to problematize the role of international policies and programs and are critical of their United Nations-struck sisters.

Regardless of all this, independent peoples' movements for literacy, numeracy, science education go beyond critiques of educational formations to an imagination of social struggles which would accomplish conquest of local spaces, in ways which meaningfully empower human beings to delink their destiny from the state and the economy, and forces and relations of 'globalization.' On this vision, "education" is such a full development of human personality as to endow human beings with the power to resist the colonization of the mind by state, civil society, intergovernmental regimes and multinationals. Education (to appropriate Giles Deluze's thought in a different context) will signify those processes which prevent the State from thinking through our heads! **In this image, HRE will be a distinctly autonomous, decolonizing, deglobalizing, heretical project in which the very act of learning will be simultaneously an act of insurrection aiming at the dissipation of imposed knowledges.**[22]

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[20] It is in this context that one welcomes the prospect of a World Report on Human Rights Education proposed recently by the People's Decade on Human Rights Education and the nascent Independent Commission on Human Rights.

[21] See, for example, U. Baxi, "The Right to be Loved and to Learn" in his Inhuman Wrongs and Human Rights 158-168 (1994; Delhi, Har-Anand Publications).

[22] I have evocatively sketched the notion of HRE as liberational education in the lineage of Paulo Friere and the notable work by Hernando de Soto. See his The Other Path: The Invisible Revolution in the Third World (1989; New York, Harper & Row). Undoubtedly, this tradition has charismatic exponents and innovators worldwide. HRE, in this tradition, is well summed up by Sulamaith Koenig (whose pioneering work in gestating the HRE Decade is well known) as "education for social transformation."

Clearly, we arrive at radically different visions of education, but especially HRE. Both are relevant but each defines the movement for HRE very differently, in its own image. In the dialectical development of projects thus envisioned lies, I believe, the redemptive potential of human rights education. At the same time, the challenges to both remain common and to these I now turn.

(a) Human Rights-Weariness and Human Rights-Wariness

Both these forms of thought as action not merely challenge the prospect of HRE but the foundations of human rights notions as such, as a universal ideology-in-the-making. Clearly, a major task of HRE, in either vision, is to show as against prevalent moral philosophies, that

- it is still possible, legitimate, and valid to speak of a subject (despite the multifarious proclamations concerning the death of the subject) which designates a human person, who is the bearer of rights
- human rights discourse is far from ethically nonsensical, and human rights are no mere "moral fictions"
- the notions of 'humankind', 'humanity' still make logical and political sense
- certain basic truths of human rights remain categorical moral imperatives, and are not discursively negotiable (e.g. prohibitions against genocide, ethnic cleansing, politicide, slavery, gender-based discrimination)
- languages of human rights are as, if not more, privileged (important) as all other moral languages

Philosophic cottage industries, especially in the First World, have indeed made each one of these propositions deeply problematic.[23] HRE has to invade these comfortable discursive abodes which radiate an enormous amount of human rights cynicism, for good and bad reasons.

Similarly, human rights education ought to give salience to propositions (d) to (g) of the rights-wariness critique. There is absolutely no question that the North's human rights diplomacy and advocacy is geared more to the exigencies of realpolitik than to a co-equal protection and promotion of human rights throughout the world, and especially the South.

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[23] See, e.g., the provocative analysis in Zygmut Bauman, Intimations of Postmodernity 1-26 (1992: London, Routledge).

But human rights education movement will need to contest some other parts of the critique and maintain that

- authoritative human rights enunciations have occurred under the United Nations auspices through respect for difference amidst dialogue
- in this discursive tradition, increasingly, non-governmental actors/agencies have acquired an increasing voice
- it would be increasingly difficult, therefore to maintain, that all major human rights enunciations are hegemonically 'western'
- read as a whole the corpus of human rights enunciations does not (nor can it be said to) spread the ideology of possessive market individualism contrary to conceptions just communitarianism
- preservation of plurality and multiplicity of ethical traditions, moral outlooks and systems of religion is not at odds with world human rights movement unless these traditions, outlooks and systems can be justifiably said to demand adherence to belief and practices which, for example, justify:
    - slavery (ownership of human beings as chattels)
    - genocide (including ethnocide or politicide, that is 'ethnic cleansing' or killing of political dissenters)
    - any form of structural violence against women
    - denial of dignity and freedom to women in matters on which men already possess such dignity and freedom
    - denials of civilizational integrity to the indigenous peoples

In other words, human rights enunciations and movements, in their totality, do not endanger 'just' communities. Such communities, by definition, achieve that level of just arrangements and distribution of goods (including dignity and esteem) as to comport with, or even exceed, the justice-potential of human rights. 'Just' communities do not allow some human beings to treat others as more receptacles of domination or sites of subjection; that is precisely the ethics of human rights enunciation and movement. The latter, indeed, interrogate and endanger those societal and state practices which deny human dignity and autonomy. The first task of human rights education, therefore, is to articulate a vision of justice - of a just civil society, a just state - embedded in the totality of authoritative human

rights enunciations. Such an articulation will insist that conditions and circumstances of pluralism and diversity in culture and religion may not be at odds with notions of justice embedded in human rights.

The tasks of HRE consist in addressing difficult dilemmas of communitarianism and libertarianism, excesses of either can make problematic the very notion of human rights in 'real' as well as 'imagined' communities around the world.[24]

(b) The Material Forces of Production

Science and technology, as Karl Marx reiterated long ago, can be constructed as material forces of production. The post-industrial mode of production rests upon fantastic developments of new productive forces. Among these are: technologies underlying the weapons of mass destruction, space technologies, biotechnology, digitalization, 'civilian' nuclear power, biomedical technologies. Productive forces are inherently amoral. The overall impact of these developments is to make human rights paradigms problematic, and also to some extent obsolete. The following enable a glimpse into the emerging impact:

- the very notion of what it is to be human is being profoundly transformed by r-DNA research whose main premise is: 'all life is information', 'all life is a text' ready and ripe for interpretive appropriation[25] thereby providing a future lack of foundation for the meaning of human right to life

- new forms of life (genetically engineered in corporate laboratories (and Universities/research institutions emerge as handmaidens of multinationals) are new forms of property: the herein of GATT/WTO 1994 trade-related intellectual property rights as human rights of biotech multinational corporations

- "nature" is not pre-given but constructed by genetic engineering enterprise, under the corporate carnal gaze; "nature" is industrial raw

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[24] See, e.g., Michel Sandel, Liberalism and the Limits of Justice (1982, Cambridge, Cambridge University Press); Stephan Mulhall & Adam Swift, Liberals and Communitarians (1992; Oxford, Blackwell); and Veena Das, Critical Events (1995; Delhi, Oxford University Press).

[25] See, for example, the U.S. Biotech Corporation Genex 1982 Annual Report:

> DNA can be thought of as a language, the language in which all genetic information is written. As with any language, it is desirable to be able to read, write and edit the language of DNA . . . . It is by this editing process that the naturally occurring text can be rearranged for the benefit of the experimenter.

Quoted in Henk Hobbelink, Biotechnology and the Future of World Agriculture 23 (1991; London, Zed Books; emphasis added). See also Vandana Shiva The Monocultures of Mind (1993; Delhi, Natraj Publications).

material forever transformable into corporate lust for power and profit,[26] a Desire signifying a true Lacanian lack[27]

- biomedical industries engaged in germ-line therapeutics (as against somatic-cell therapeutics) legitimate 'positive' eugenics, not just in relation to dreaded genetic diseases or disorders but also in terms of human engineering of attributes (age, height, pigmentation and in-not-too-distant a human future I.Q.)[28]

- while human rights protection and protection has to be securely extended to practioners of science/technology as essential components of freedom of speech and expression actual practices of science/technology here-and-now escape accountability at the bar of human rights norms and standards[29]

- the digital 'revolution' initially, and in the short run, creates a 'global village'; only in terms of entrenching multinational marketplace ghettos to be commercially exploited, without a semblance of solicitude for plurality, diversity, identity and multiculturality[30]

- digital revolution also makes possible depersonalization of means of violence, where violence becomes an end in itself, threatening in every major respect the logic of human rights, however conceived

- digitalization also consummates the process of cultural appropriation worldwide, mocking at the very moment of their enunciation the human rights of indigenous people, especially in their folklore and their cultural rights to civilizational self determination.

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[26] See Vandana Shiva, supra note 25; and Hope Sand, "Biopiracy: Patenting the Planet" Multinational Monitor 9-13 (June, 1994).

[27] The most profound thinker of 'desire', after Freud, is Jacques Lacan who has further mystified the "enigma of desire." Desire for Lacan is an endless eternal, "stretching forward, towards the desire for something else", J. Lacan Ecrits 166-67 (1977): New York, Norton; trans. Alan Sheridan).

[28] S. Elias & G. J. Annas, "Somatic and Germline Therapy" in Gene Mapping: Using Law and Ethics as a Guide 142-156, (1992).

[29] See. e.g., Susan Wright, Molecular Politics: Developing American and British Regulatory Policy for Genetic Engineering, 1972-1982 (1994; Chicago, University of Chicago Press).

[30] See, e.g., Jerry Mander, Four Arguments For the Elimination of Television (1977; New York, William Marrow/Quill).

This list could be refined as well as expanded. But it should be sufficient to illustrate that science and technology, as forces of production, are human-rights visually handicapped. In their relentless march, they acknowledge no obscenities of violation of human rights, the Bhopal catastrophe being an archetype. The forces of production can only cognize human rights appropriate to the mode of production and no other.[31] Thus, the only human rights which will be, under this mode, be universally recognized are market-friendly human rights. The rest would sought to be consigned to the dustheap of history. The struggle of HRE would then be the struggle from this dustheap!

(c) The Social Relations of Production

'Globalization' is a complex phrase commonly used to summate the relations of production in a post-industrial mode. It is impossible, within the confines of this paper, to review the complexity and contradiction of various dimensions of globalization even in relation to human rights visions and movement. But even a fleeting glance at some of the aspects of globalization is necessary if only to indicate the hard tasks awaiting human rights education.

First, globalization theorists posit, in different ways, the emergence of a new international division of labor. This division is marked by impacts of trade and investment patterns. Even while acknowledging some transformations in the 'developing' countries economies,[32] it remains cruelly correct to say that these patterns have created, and perpetuated, an unprecedented and extreme gap between rich and poor societies.[33] The new division of labor is marked by a 'dematerialization' of production, in the sense that advanced industrial countries export labor-intensive production to impoverished countries: this enables flagrant violations of human rights of workers, notoriously in the export-processing zones.[34]

Second, despite the tendency towards slow transition of transnational corporations and "alliances"[35] (or perhaps because of this) it remains true that multinational corporations

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[31] Upendra Baxi, Marx, Law and Justice: Indian Perspectives pp. 51-84 (1993; Bombay, N.M. Tripathi).

[32] The most frequently mentioned are: the transition of some LDCs into NIC (New Industrial Countries); 'cartelization' of manufacture by some DCs (e.g. OPEC) and the emerging presence of developing societies multinational enterprises.

[33] See The Times Atlas of World History 294 (1978; London, Times: G. Barraclough ed.).

[34] See Sammy Adleman, "The International Labor Code and Exploitation of Female Workers in Export-Processing Zones" in Law and Crisis in the Third World 195-218 (1993; London, Hans Zell Publishers; Sammy Adleman and Abdul Paliwala eds.).

[35] See. R. Gilpin, The Political Economy of International Relations (1987; Princeton, Princeton University Press). Gilpin refers to a vast array of 'negotiated arrangements' which now obtain: "cross-licensing of technology among corporations of different nationalities, joint ventures, orderly marketing

dominate processes of globalization.[36] The MNCs are new forms of sovereignty of late capitalism and resist with their might all claims to accountability and rule of law, while claiming the fullest benefit of access to all basic human rights (including freedom of speech, the right to property and the right to legal personality consistent with corporate will and power).[37] In this sense, MNCs continue to reproduce the law's infamy."[38]

Third, with Ulrich Beck we may reiterate that globalization creates a risk society.[39] Globalization creates a political economy of risk distribution and unredressed victimage. Globalization of risks entails "new international inequalities, firstly between the Third World and Industrial states" (Bhopal being the archetype) and "secondly among industrial states themselves"[40] (Chernobyl and the current phenomenon of "loose nukes" being the archetype). Although globalization posits the image of the "whole world as a risk society" such that

> the life of a blade of grass in the Bavarian forest comes to depend on the making of and keeping of international agreements [given the "universality and supra-nationality of pollutants"][41]

millions of human victims of industrial mass disasters, especially in the Third World, remain less fortunate than a "blade of grass in the Bavarian forest" as the MNCs continue to fail even generalized declarations of their human rights responsibilities.

Fourth, globalization produces its own epistemologies (e.g., decision-making under conditions of uncertainty; cost-benefit analysis, risk-analysis and management - in short, the "globalization of doubt") consistent with their power and profit. Thus, social relations of

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arrangements, secondary sourcing, off-shore production of component and crosscutting equity ownership" (at p. 256).

[36] About 300 MNCs account for 70 percent of direct foreign investment and 25 percent of the world capital. About 20,000 MNCs commanded, in 1988, assets over $4 trillion; they appropriated 25-30 percent of the aggregate GDP in all market economies; 75 percent of international commodity trade and 80 percent of world traffic in technology and management competencies. See J. Dunning, Multinational Enterprises in Global Economy (1993; Workingham, Addison-Wesley).

[37] See for a draft declaration of a Bill of Rights for Multinations, U. Baxi "'Summit of Hope' In the Depths of Despair?: Social Development as Realization of Human Rights" (March 1995; mimeo).

[38] See Peter Fitzpatrick, "Law's Infamy" in Law and Crisis in the Third World, supra note 34, at 27-50.

[39] See U. Beck, Risk Society: Towards a New Modernity (1992; London, Sage: transl. Mark Ritter).

[40] Id. at 23.

[41] Ibid.

globalization increasingly create an impression of lack of agency (and therefore of human rights responsibilities) while

> the formation of a global stock market, of global commodity (even debt) futures markets, of currency and interest rate swaps, together with an accelerated mobility of funds

signifies, inaugurally, "the formation of a single world market for money and credit supply"

> the structure of this global financial system is now so complex that it surpasses most people's understanding.[42]

Fifth, more recently, global business has sought and won increasing legitimation from the United Nations system (e.g. Business Council for the Commission on Sustainable Development). Many NGOs, including HRE NGOs, are also on their way to mime their own business councils, in great expectations of ameliorating Late Capitalism.

Sixth, at the level of symbolic, or in the political economy of signs (as narrated by Jean Baudrillard) globalization is a 'culture of excess,' producing its own hyperrealities:[43]

> Piles of images, heaps of information, flocks of desires, so multiplied, the images represent nothing but themselves, information does not inform, desires turn into their own objectives the world is no longer a scene (place where the play is staged, when as we have the right to suspect, will be directed towards some concrete ending, even if we do not know in advance what it is); instead, it is obscene: a lot of noise and bustle without a plot, scenario, director - and directions. It is a contactual, not a contractual, world.[44]

In an obscene world, human rights become tenuous of meaning. The rights-enunciations fail to adjudicate the riot of multiplicity of meanings. They cannot perform the labors of a social contract in a contactual world. Where power, in Baudrillard's words, in its final form, becomes organization and manipulation of death (and death represents social, cultural, spiritual, civilzational cessation/cancellation of being human) human rights movements attain a monumental agenda, under whose weight they also increasingly confront 'death.' Indeed, in a post-modern world or political economy of signs/simulation the Prince of Denmark's

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[42] David Harvey, The Condition of Postmodernity, p. 161 (1989; Oxford: Blackwell; emphasis added).

[43] See J. Baudrillard, The Mirror of Production (1975; St. Louis, Telos); Douglas Kellner, Jean Baudrillard: From Marxism to Postmodernism and Beyond (1989, Cambridge: Polity Press).

[44] Bauman, supra note 22 at 151.

prayer stands answered: the "all-too sullied world" melts into a dew, in whose misty horizons images of human rights-oriented human futures also flicker and fade.

Underlying all these, and related, features of globalization is the steady appropriation of human rights discourse by and for the multinationals.[45] For example:

- despite its manifold horrors, Green Revolution (first and second) is corporate servicing of the Human Right to Food!
- despite devastation of pre-industrial life styles and cultures and of people's right to habitat, mega-irrigation projects signify corporate partnership to meet basic human needs of the people
- despite extensive appropriation of biological diversity, the Dunkel-WTO aggressive protection of trade-related intellectual property rights is the MNC contribution to human right to development!

It is needless to multiply instances but it is clear that the MNC's image of human rights as market-friendly or trade-related human rights is already firmly entrenched and will command increasing operational consensus of states and international agencies. Already, human rights discourse stands instrumentalized in terms of merely international public policy on development (meaning free trade, deregulation, liberalization, structural adjustment and allegiance to the hegemony of industrial countries - in the United Nations Summit on Social Development Declaration and Program of Action).

Albert Camus foresaw and bemoaned the hypocrisy of such cooptation:

> But slave camps under the flag of freedom, massacres justified by philanthropy or by the taste of superhuman, in one sense cripple judgement. On the day when crime dons the apparel of innocence - through a curious transposition characteristic of our times - it is innocence that is called upon to justify itself.[46]

Forces and relations of globalization tend to "cripple judgement" even among communities of human rights and HRE practioners. A utilitarian approach to science and technology, suggesting even the 'gains' to human rights by some developments, does not fully address challenges to human rights inherent in the accelerated progress of globalization.

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[45] See. e.g., Our Global Neighborhood: The Report of the Commission of Global Governance; and for a critique U. Baxi, "'Global Neighborhood' and the 'Universal Otherhood': Notes on the Report of the Commission on Global Governance" (June 1995, mimeo).

[46] Albert Camus, The Rebel 4 (1957; New York, Alfred Knopf; trans. Anthony Bower). Justifiably, Camus inaugurates the end of his discourse in The Rebel by reaffirming: "I rebel; therefore, we are."

The vicissitudes of a utilitarian approach are poignantly illustrated by biomedical advances facilitating reproductive rights on the one hand and on the other by exploitation and expropriation of women's bodies by pharmaceutical multinationals.[47] There is much to be learnt, beyond mere utilitarian approaches, from the narratives of this conflicted discourse of womens' rights as human rights and multinational appropriation - certainly, more than the recent, and somewhat juvenile, enthusiasm at building electronic solidarities through cyberspace (Internet E-mail) may suggest!

In may senses, the terrain of human rights, and HRE, movement would seem to be in the direction of ***de-globalization*** or at least deceleration of the pace of globalization. When labor is being 'dematerialized,' consumption universalized and production localized, surely the site of HRE must be the local as a ghetto of the global. It is on this terrain that the struggles of demystification of the operative and oppressive ideologies of globalization have to begin. Surely, the victims of globalization know its cruel truths, productive of their destinies, inscribed on their docile bodies and tormented souls. They certainly need to be "empowered" by "education." **But who would be these educators? How de we make ourselves wary of the real dangers of alienation from those whom we would help empower themselves?** For how long shall we sleep with the enemy that forces and relations of globalization implant us with? How far can jet-set, E-mail , credit-card activist culture herald the struggles for deglobalization, for the conquest of local spaces, for the recovery of plurality, diversity, interculturality? How shall we chisel images of authentic human rights educators? How shall we, in the words of Camus, be equipped to endure the burden of justification of our innocence?

HRE, howsoever conceived, has to simultaneously engage in <u>understanding</u> and <u>undermining</u> the new world in the process of becoming. It is on this perspective that the various formulations of the "objectives" of HRE, in the United Nations discourse, bare themselves to full view and summon HRE endeavors to beyond their ***<u>untruth</u>***. The platitudinous-sounding conclusion of this essay has to be understood in this light.

I. THE WAY TO HUMAN RIGHTS EDUCATION

The emergent discourse on HRE has to be itself inherently dialogical.

Its truths cannot be, by the very nature of the enterprise of HRE, hegemonically legislated in advance but have to emerge out of unrelenting praxis, just as some truths about human rights and fundamental freedoms have emerged in contemporary times. The philosophical cottage-industries of rights-weariness (mostly in the North) and rights-wariness (mostly in the South) have to be dissolved through dialogical enterprises.

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[47] Whether this be through by carcinogenic intrauterine devices or contraceptives, Norplant, amniocentesis.

This is perhaps easily said than done. Even eminent thinkers mix and merge both rights-weariness and rights-wariness. For example, one of this decade's most authoritative exponents of moral philosophy insists that human rights are no more than "moral fictions" and the plain truth is

> there is no [human] right and belief in them is one with belief in witches and unicorns . . . In the United Nations Declaration on human rights of 1949 what has since become the normal UN practice of not giving good reasons for any assertion whatsoever is followed with great rigor.[48]

Many a political leader and regime, alas!, will be tempted to agree. This is how practices of knowledge and practices of power often reinforce each other. HRE has to enable discourse which confers the status of "truth" on human rights, (which are no mere "moral fictions") and to enable people everywhere, including philosophers, to learn how belief in human rights is different from beliefs in "witches" and "unicorns." HRE should develop the potential of the people to combat growing moral nihilism (a mark of postmodernisms) and in particular of educating the educators in the meanings of morality.

Discursive equality requires atonement for the heavy past - the colonial/imperial past, the cold-war past, and the neo-cold-war past in the making.

Dialogical equality also requires construction of humiliation's Other — humility before history.

Likewise, the silences in the HRE discourses (so far surveyed) have to be empowered to speak to us. Victims of human rights violations should be enabled to speak to us concerning conditions which make the gross and flagrant violations of human rights possible, including corruptibility of democratic regimes cultivated by transnational capital, traffic in armaments, state hospitality to 'mercenaries,' spread of hazardous technologies worldwide and the arrogance of patriarchy (which denies dignity to women) and of the late twentieth century forms of capital (which denies the dignity of labor, as if working class struggles never took place in history).

The dialogism of HRE must enable, empower peoples of the world to pour content into 'abstract' conceptions such as 'progress,' 'development,' 'peace,' 'tolerance.' Dialogism has, by the same token, to create a fuller awareness concerning the attainment of international cooperation in these areas.

Dialogical HRE, like all education, must begin with a sense of humility. To the tasks of HRE, <u>all</u> nations come as, more or less, equal strangers, whereas <u>all</u> peoples of the world come as <u>cognoscenti</u> who have experienced repression or struggle, and knowledge which such experience brings concerning human rights and fundamental freedoms. Collective self-

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[48] Alasdir MacIntyre, <u>After Virtue</u> 69 (1984; Indiana, University of Notre Dam Press).

education (despite contingencies of headstarts privileged by history to some liberal democratic societies) is essential to build a true fellowship of learning and indispensable to the emergence of HRE.

This great human endeavor at HRE has to modify Karl Marx's thesis on Feuerbach to say: "The various Declarations on HRE have merely explained what HRE might be; the task, however, is to change human rights education." Like all authentic education, HRE brings to shape its own destiny through its own daily praxis.

The tasks of human rights education are so historically imperative that with Schiller we must say

What is left undone one minute
is restored by no eternity.